

Practitioner's Docket No. 56436 (71699)

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: D. Stoianovici, et al Conf. No.: 8459

Application No.: 09/943,751 Group: 3731

Filed: August 30, 2001 Examiner: Nguyen, Vi X

For: CONTROLLABLE MOTORIZED DEVICE FOR PERCUTANEOUS NEEDLE PLACEMENT IN SOFT TISSUE TARGET AND METHODS AND SYSTEMS RELATED THERETO

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. SECTION 1.191)**

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed March 23, 2004, finally rejecting claims 1-15, 18-25, 29,36, 39, 42, 43 and 46-55.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 23, 2004**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office (703) 872-9306.

Signature William J. Daley
William J. Daley, Jr
(type or print name of person certifying)

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Filed: August 30, 2001
Art Unit: 3731

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

other than a small entity.
 a small entity.

A statement:

is attached.
 was already filed on _____.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. Section 1.17(b), the fee for filing the Appeal Brief is:

<input checked="" type="checkbox"/> small entity	\$165.00
<input type="checkbox"/> other than a small entity	\$330.00

Notice of Appeal fee due \$330.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(a) Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00

Fee \$ 0.00

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If an additional extension of time is required, please consider this a petition therefor.

(a) An extension for two months has already been secured, and the fee paid therefor of \$0.00 is deducted from the total fee due for the total months of extension now requested.
Extension fee due with this request \$0.00

or

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

(c) Applicants have concurrently filed a request for an extension of time and thus believe that no extension of term is required to be requested with the within Notice of Appeal. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 165.00
Extension fee (if any) \$ 0.00

TOTAL FEE DUE \$ 165.00

5. FEE PAYMENT

Attached are checks in the sum of \$0.00.
 Charge Account No. 04-1105 the sum of \$165.00.
A duplicate of this transmittal is attached.

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6. FEE DEFICIENCY

If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 04-1105.

AND/OR

If any additional fee for claims is required, charge Account No. 04-1105.

August 23, 2004

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**SIGNATURE OF PRACTITIONER**

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